

**USE, COLLECTION, AND SECURITY OF HEALTH CARE DATA  
COLLECTED BY THE DEPARTMENT OF STATE HEALTH  
SERVICES**

**CHAPTER 344**

H.B. No. 764

**AN ACT**

**relating to the use, collection, and security of health care data collected by the  
Department of State Health Services.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 108.009, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

*(c) The department or another entity as determined by the department to collect data from a provider under Subsection (a) shall maintain a database that does not include identifying information for use as authorized by law, including this chapter.*

SECTION 2. Chapter 108, Health and Safety Code, is amended by adding Section 108.0095 to read as follows:

*Sec. 108.0095. NOTIFICATION OF DATA COLLECTION. (a) A provider shall provide to a patient whose data is being collected under this chapter written notice on a form prescribed by the department of the collection of the patient's data for health care purposes.*

*(b) The notice provided under this section must include the name of the agency or entity receiving the data and of an individual within the agency or entity whom the patient may contact regarding the collection of data.*

*(c) The department shall include the notice required under this section on an existing department form and make the form available on the department's Internet website.*

SECTION 3. Section 108.011(d), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

*(d) The executive commissioner shall adopt procedures to establish the accuracy and consistency of the public use data before releasing the public use data to the public. The department may adopt additional procedures as the department determines necessary. The procedures adopted under this subsection must meet available best practices and national standards for public research on and consumer use of health care data collected by governmental agencies.*

SECTION 4. Section 108.013(a), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

*(a) The data received by the department under this chapter shall be used by the department and commission only for the benefit of the public. Subject to specific limitations established by this chapter and department rule, the department shall make determinations on requests for information in favor of access.*

SECTION 5. Chapter 108, Health and Safety Code, is amended by adding Section 108.0132 to read as follows:

*Sec. 108.0132. PROHIBITED CHARGE TO CERTAIN STATE AGENCIES FOR DATA. The department may not charge a fee to the commission or any other health and human services agency for the use of any data collected under this chapter.*

SECTION 6. Chapter 108, Health and Safety Code, is amended by adding Section 108.0136 to read as follows:

*Sec. 108.0136. REPORT; NOTIFICATION OF CYBER ATTACK. (a) The department shall prepare for the commissioner an annual report describing the security measures taken to protect data collected under this chapter and any breaches, attempted cyber attacks, and security issues related to the data that are encountered during the calendar year.*

(b) *The report described by this section is not subject to Chapter 552, Government Code, but may be released on request to a member of the legislature.*

(c) *If a cyber attack occurs targeting data collected under this chapter, the department shall notify the Department of Public Safety of the State of Texas and the Federal Bureau of Investigation of the attack.*

SECTION 7. This Act takes effect September 1, 2015.

Passed by the House on May 5, 2015: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate on May 23, 2015: Yeas 31, Nays 0.

Approved June 9, 2015.

Effective September 1, 2015.

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**PLANNING FOR THE USE OF AND LIABILITY RESULTING  
FROM PRESCRIBED BURNS BY THE PARKS AND WILDLIFE  
DEPARTMENT**

**CHAPTER 345**

H.B. No. 801

**AN ACT**

**relating to planning for the use of and liability resulting from prescribed burns by the Parks and Wildlife Department.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 11, Parks and Wildlife Code, is amended by adding Subchapter M to read as follows:

**SUBCHAPTER M. PRESCRIBED BURNS**

Sec. 11.351. **DEFINITIONS.** *In this subchapter:*

(1) "Landowner" includes any person who owns, has a property interest in, or leases a parcel of privately owned land or improvements on the land.

(2) "Utility infrastructure" means any facility owned by:

(A) an electric utility as "electric utility" is defined by Section 31.002, Utilities Code;

(B) a telecommunications utility as "telecommunications utility" is defined by Section 51.002, Utilities Code;

(C) a gas utility as "gas utility" is defined by Section 101.003 or 121.001, Utilities Code;

(D) an electric cooperative as "electric cooperative" is defined by Section 11.003, Utilities Code; or

(E) a municipally owned utility as "municipally owned utility" is defined by Section 11.003, Utilities Code.

Sec. 11.352. **APPLICABILITY.** *This subchapter applies only to prescribed burns conducted by the department on state land managed by the department.*

Sec. 11.353. **GENERAL AND SPECIFIC PLAN REQUIREMENTS.** (a) *The commission by rule shall adopt and shall require the department to implement a general plan for the use of beneficial prescribed burns in the management of department land. The general plan must include standards that meet or exceed the standards for a prescribed burn set out in Section 153.047, Natural Resources Code.*

(b) *The general plan must include variations as needed for different areas of the state.*